

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 17TH OCTOBER 2006 / 25TH ASWINA 1928

Bail Appl..No. 5524 of 2006

CMP.1632/2006 of J.M.F.C.-II, CHENGANNUR
CRIME NO.115/2006 OF EXCISE RANGE, CHENGANNUR
.....

PETITIONER/ ACCUSED (A2)

SUGATHAN, S/O.KUNJU PILLAI,
PUTHUPARAMBIL VEEDU, POOPPUMKARA MODIYIL,
MULAKUZHA MURI, MULAKKUZHA VILLAGE,
CHENGANNUR TALUK.

BY ADV. SRI.K.R.VINOD

RESPONDENTS: COMPLAINANT.

KERALA STATE REPRESENTED BY EXCISE
INSPECTOR, EXCISE RANGE OFFICE,
CHENGANNUR, THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17/10/2006, ALONG WITH B.A.NO.5873/2006, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 5524/2006 & 5873/2006

DATED THIS THE 17TH DAY OF OCTOBER, 2006

O R D E R

The petitioner was arrested on 17.8.2006 in C.R.No.115/2006 of Chengannoor Excise Range, for the offence under the Abkari Act. Thereafter, his arrest was recorded on 20.9.2006 in C.R.No.40/2006 of the same Excise Range.

2. The prosecution submits that the petitioner was found in illegal possession of six liters of illicit arrack and therefore, the offence alleged against him is under Section 8(1) & (2) of the Abkari Act. The prosecution further submitted that C.R.Nos. 81/2002 and 46/2003 of the same Excise Range are also pending against the petitioner, who is the second accused in the present crime. Therefore, prosecution opposed the granting of the bail.

3. However, considering that the petitioner is in judicial custody from 17.8.2006, though the formal arrest in C.R.No. 40/2006 was recorded on 20.9.2006 only, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute separate bond for Rs.25,000/- in each case, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Chengannur.

(b). The petitioner shall report before the Investigating Officer, who is investigating C.R.No.40/2006 of Chengannur Excise Range, once in a week on every Saturday, between 10.00 a.m and 11.00 a.m., for a period of four months, starting from 21.10.2006, and thereafter, on the first working day of every month, between the same timings, till the final report is filed before the Court below.

(c). The petitioner shall not leave the State of Kerala, until the completion of the trial and final disposal of all the Sessions cases, pending against him.

The applications are allowed as above.

**J.M.JAMES
JUDGE**

